

MINUTES
TIGARD CITY COUNCIL MEETING
September 17, 2002

1. WORKSHOP MEETING

- 1.1 Mayor Griffith called the meeting to order at 6:34 p.m.
- 1.2 Council Present: Mayor Griffith and Councilors Dirksen, Moore, and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items:

City Manager Bill Monahan recommended a non-agenda item regarding an Oregon School Employees Association request for the Mayor and City to endorse "The Pledge" should be discussed. Mayor Griffith indicated this item would be reviewed as a non-agenda item.

2. TIGARD MUNICIPAL COURT ANNUAL REPORT

Municipal Court Judge Michael O'Brien and Court Manager Nadine Robinson introduced this item. Judge O'Brien drew the Council's attention to two charts; one depicting a caseload comparison over a two-year period; the other depicting a comparison of the top ten violations in the past two years. Highlights of the charts were discussed. The charts are on file in the City Recorder's Office. The Judge indicated there was an overall increase in court activity due to an increase in civil infractions (up 525 percent) and traffic citations, and the addition of the juvenile program begun in June, 2002. The court expects to process 7,700 violations this fiscal year. Despite the increased caseload, the Judge noted existing staffing levels seemed adequate.

Judge O'Brien communicated that since the Council had adopted recent code changes, which simplified the civil infraction process, the court was able to improve its efficiency in processing these cases.

Judge O'Brien and Ms. Robinson offered details regarding the newly implemented juvenile program. It is too early to draw conclusions about the program's success. Information will be given to the Council as it becomes available. Community service placement and tasks were discussed.

As part of a community outreach effort, the Judge reported he will be meeting with the principal of Tigard High School and visiting with students.

3. URBAN RENEWAL FUNDAMENTALS

Community Development Director Jim Hendryx introduced City Attorney Tim Ramis. Mr. Ramis commented this agenda item was a continuation of an earlier discussion with Oliver Norville where statutes and functions were discussed.

Mr. Ramis indicated he intended to address the mechanics of urban renewal, and explained that two key documents are required for the process:

- a. Urban Renewal Plan, which by statute must contain:
 - a description of each urban renewal project
 - an outline of development and redevelopment improvements and land acquisitions
 - an explanation of the relationship of the projects to your land use planning objectives
 - a map of proposed uses
 - maximum densities
 - building requirements
 - b. Urban Renewal Report, which provides:
 - documentation of the basis upon which an area is determined to be "blighted"
 - a description of the physical, social and economic conditions along with the status of services and population information
 - a justification of each urban renewal area
 - a description of the relationship between projects and existing conditions to address how the chosen project will remedy the blighted condition
- A discussion of the term "blighted" ensued.
- an estimate of the cost of each project
 - a description of funding sources
 - project completion dates
 - information on the amount of money generated by tax increment financing
 - a financial analysis of the plan
 - fiscal impact statement

Mr. Ramis then summarized steps for implementing the plan:

- a. Plan must be sent to any affected taxing jurisdictions for comment. This is a requirement for consultation, not approval, and provides an opportunity for suggestions.

- b. Planning Commission considers the plan and report. At least one public hearing must be conducted. Amendments and modifications are typically made at this point in the process.
- c. City Council holds a public hearing to consider the adoption the plan and report.
- d. City Charter requires the issue be placed on the ballot for citywide voter approval.

Mr. Ramis confirmed there can be multiple urban renewal districts running concurrently, although there is a limit on the amount of urban renewal area that can exist within the city. He continued by saying Tualatin, Portland and Clackamas County all have urban renewal districts.

Councilor Dirksen inquired about limitations on how urban renewal monies can be spent with regard to private development. Mr. Ramis responded that there are two ways urban renewal districts benefit private development:

- a. construction of infrastructure
- b. condemning or negotiating property to encourage redevelopment
This would involve obtaining property, writing down its land cost and selling it to someone with an agreed upon development plan at a price below market value. Mr. Ramis asserted this was an aggressive use of urban renewal funding, and indicated such an approach would probably not be considered in Tigard's situation. Mr. Hendryx added this approach was also used to aggregate properties. He continued by saying members of the Washington Square Task Force had expressed serious concern about the City taking such action.

Councilor Dirksen verified urban renewal funds could not be used by current or future property owners. The funds must be used on property owned by the government. However, it was noted that much of the costs associated with development are related to infrastructure.

Urban renewal timetables were discussed. Mr. Ramis advised that once a district expired, all work would cease.

Mr. Ramis stated the urban renewal plan could be very specific about how urban renewal funds could be used. Monitoring of funding was discussed and Mr. Ramis recommended the governance structure, or board of directors, be comprised of the City Council.

Mr. Hendryx listed three potential urban renewal districts:

- a. Washington Square
- b. Downtown Tigard
- c. Tigard Triangle

Mayor Griffith inquired about the drawbacks of forming an urban renewal district. Councilor Moore asserted it may be difficult to get public support. Mayor Griffith asked how an urban renewal district would affect the average citizen. It was noted that in the earlier meeting, Mr. Norville related that a district would only have a minor impact on the average citizen. Mr. Monahan stated he would provide recent reports and analyses on the financial effects of urban renewal districts to the Council.

Councilor Scheckla requested information on the President's Parkway project.

4. **AMENDMENT TO THE JOINT FUNDING AGREEMENT -- INTEGRATED WATER RESOURCE MANAGEMENT (IWRM) WATER SUPPLY FEASIBILITY STUDY**

Public Works Director Ed Wegner and Assistant Public Works Director Dennis Koellermeier introduced this agenda item. Mr. Wegner acknowledged King City Mayor Jan Drangsholt who was also in attendance. Due to a reduction in funding at the Bureau of Reclamation, other partners in the Integrated Water Resource Management Water Supply Feasibility Study are being asked to provide an additional funding. The City is pursuing two options for a long-term water supply:

- a. Portland proposal for the Bull Run Drinking Water Agency
- b. Joint Water Commission, which involves the IWRM Water Supply Feasibility Study

Mr. Wegner advised paying the additional money and continuing with the study was the only way to determine whether the JWC option is viable.

Mr. Wegner introduced Clean Water Services Project Manager Tom Vanderplaat. Mr. Vanderplaat began by offering highlights of how the additional money would be spent as detailed in a memo to Council dated August 14, 2002. The memo is on file in the City Recorder's Office. Mr. Vanderplaat discussed the proposal of the Sain Creek tunnel, which would divert water from the Tualatin River to assure adequate water levels in Hagg Lake in years when the lake did not fill. Mr. Vanderplaat proposed the partners pay for the remaining tasks in order to finish the study. Reimbursement from future federal funds will be pursued. Total cost to continue with the study is \$430,000, which will be divided among the partners based upon the amount of water each agency seeks to purchase. Timetables for similar projects were discussed.

Mr. Wegner remarked there were several jurisdictions pursuing both the Bull Run and JWC options. The projected completion date of the JWC option is June, 2010, and the proposed Bull Run option is about five to seven years out as well. Mr. Wegner explained Tigard's portion of the additional funding (\$80,000) of the IWRM Water Supply Feasibility Study would be on next week's agenda for Council consideration. This money would be taken from the capital fund.

Mr. Wegner described another of next week's agenda items, the Raw Water Pipeline Study. He related this study will investigate the possibility of a pipeline connection from Hagg Lake to the water treatment plant. The cost of Tigard's share of this study would be \$75,000. The study should be completed in five or six years.

Mr. Wegner confirmed there was money in the water capital fund to cover the cost of both studies. Mr. Wegner continued by saying that several years ago the City had set aside \$3.5 million to study the water supply issue. Councilor Scheckla expressed concern about the expense of pursuing multiple options. Councilor Moore asserted the studies need to be conducted and money spent in order to evaluate which option will be the best for Tigard.

5. STREET MAINTENANCE FEE ISSUES

City Engineer Gus Duenas provided background information on this item. City Attorney Tim Ramis discussed the concept of a property fee with the money generated being used to maintain the street system. Fees would be assessed proportionately based upon the impact to the street system. Mr. Ramis stated the City does have the authority to adopt such a charge, although the structure of the charge can affect legal sustainability. Mr. Ramis detailed the following choices available to the Council regarding the street maintenance charge:

- a. Adopt the fee as suggested by staff
- b. Do nothing
- c. Adopt a less aggressive version of the charge by assessing occupants (similar to an excise tax) and not property owners
- d. Create a "stakeholder" committee

Mr. Ramis identified and addressed three potential legal challenges associated with the street maintenance fee:

- a. Authority
Based upon City Charter, the Council can do anything necessary to conduct City business unless limited by state statute or federal law. Mr. Ramis is not aware of any state statute or federal law prohibiting a street maintenance fee.

b. Taxation Uniformity

Mr. Ramis continued by saying the government is empowered to create classifications and to tax those classifications at different levels so long as the basis of the classifications is reasonable. In this instance, trip generation information would determine different rates based upon a user's impact on streets. Therefore, the trip generation/assessment formula must have a strong, factual basis.

c. Tax vs. Fee

Mr. Ramis addressed the argument that the fee is essentially a property tax, because it can not be avoided. As a tax, the fee would be subject to Measure 5 limitations and other tax-related issues would also apply. Mr. Ramis indicated such a position has not been litigated. Hence, he was unsure how such an argument would be viewed by the law. The uncertainty regarding whether the fee could be viewed as a tax led Mr. Ramis to suggest an alternative solution. If the fee were charged to an occupant, rather than a property owner, it would not be considered a tax. The fee would be regarded as a personal debt. Mr. Ramis acknowledged the administrative aspects of this approach would be more complicated and there would likely be some revenue lost to those who elude payment. However, this approach would circumvent the uncertainty of the taxation issue.

Mr. Ramis mentioned there are currently eight other Oregon jurisdictions with transportation utility fees. The Council expressed a desire for more information regarding these jurisdictions and was interested in comparing the City's proposed structure of its street maintenance fee with those of other jurisdictions.

Mayor Griffith informed other members of the Council that the cost of street maintenance fees in other jurisdictions ranged from \$2.95 to \$4.40 per month for residents. In some jurisdictions the street maintenance fees are paid predominately by businesses and in others, residents pay the majority of the cost.

The Mayor stated he favored obtaining input from stakeholders. He expressed a need for the Council to clearly define what the street maintenance fee would cover and if a timeline should be established. Mr. Duenas interjected that the highest priority would be for the fee to cover street maintenance and street light and signalization energy costs and maintenance. Right-of-way maintenance on collector and arterial streets has also been proposed.

Mr. Monahan suggested the Council consider a 90-day period whereby the advisory committee communicates the Council's present approach to the street maintenance fee and conducts open meetings. People who wrote with concerns, large commercial

concerns, representatives of Summerfield, other affected parties, and affordable housing representatives, etc. could be invited to participate. The committee could then bring their findings to the Council.

Councilor Moore expressed concern the committee has been working on this issue for some time and participants may not be willing to continue for another 90 days. Mayor Griffith relayed the street maintenance fee has not been “sold” to the community yet, and he supported the 90-day period in order to obtain more input and to give the Council time to clarify what the fee would encompass.

Mr. Monahan reiterated the choices outlined by Mr. Ramis at the beginning of the discussion. The Mayor and Councilor Scheckla favored a combination of pursuing the excise tax and soliciting input from stakeholders. Councilors Dirksen and Moore stated they were prepared to make their decision now and were confident the street maintenance fee was the correct course of action. After discussion the Council agreed there would be highly publicized meetings to further expose the issue to stakeholders and others. A brief discussion of how the excise tax concept would be implemented ensued. Councilor Moore cautioned not to put too much emphasis on input from businesses, as business owners may not reside in Tigard and may not consider street maintenance to be an important issue.

Mr. Gene McAdams, (13420 SW Brittany Drive, Tigard), an audience member, suggested the street light and signal portion of the street maintenance fee would be an easy element to implement.

Mr. Monahan confirmed the street maintenance issue would be revisited at the December workshop meeting, and Councilor Moore suggested the Council take action on the item at the beginning of 2003.

6. ESTABLISHMENT OF A DOWNTOWN TASK FORCE

Community Development Director Jim Hendryx and Planning Manager Barbara Shields introduced this item. Mr. Hendryx stated Councilor Dirksen was spearheading an effort to create a downtown task force, using the commuter rail project as a catalyst to stimulate planning efforts in downtown Tigard. Mr. Hendryx and Ms. Shields discussed the highlights of two charts. One provided an “Overview of Tigard Downtown Planning Efforts.” The other detailed the concept of the Downtown Task Force. These charts are on file in the City Recorder’s Office.

Mr. Hendryx explained that at an August meeting of downtown business and property owners a series of basic improvements associated with the commuter rail line were identified. The proposed task force would provide greater consistency, impose order on the commuter rail process, and would be charged with identifying further improvements that could be made as part of the project, at no additional cost. Ideally the task force would:

- a. have input on station design
- b. propose traffic enhancements
- c. prepare an action plan
- d. prepare plans for specific improvements
- e. seek approval from Council
- f. prepare an implementation plan

The intergovernmental agreement involving Tri-Met and Washington County is expected to provide communities with a list of baseline improvements that will be included in the commuter rail project. Councilor Moore confirmed the task force would generate a plan of what the City wished to accomplish with commuter rail dollars.

Councilor Dirksen commented the commuter rail project was only one of several projects the task force would address.

Councilor Dirksen recommended the task force be formed. Councilor Dirksen suggested the task force be comprised of six to ten citizens, City staff, and himself, as Council liaison. Discussion occurred regarding who would serve on the task force and to what degree the task force should be comprised of representatives from the downtown area.

A traffic impact study of the area was discussed. Study results will need to be shared with Tri-Met and projects may be added to the capital improvement plan.

Councilor Dirksen recommended formation of the task force, made up of members who have shown an interest in the downtown projects and are committed to improving the downtown area. Mr. Monahan proposed a letter from Councilor Dirksen be sent to downtown property and business owners and others who have shown an interest in the downtown inquiring if they wish to be considered for the task force. Councilor Dirksen would then identify the task force members. The Council concurred with Mr. Monahan's proposal. The resolution forming the task force and identifying its members will come before the Council in the near future.

7. COUNCIL MEETING SCHEDULE FOR OCTOBER

The Council agreed to reschedule the October 22 meeting to October 29. Mayor Griffith and Councilors Dirksen and Scheckla will be in attendance.

8. COUNCIL LIAISON REPORTS: None

9. NON-AGENDA ITEMS

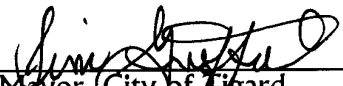
The Council discussed a request from the Oregon School Employees Association to endorse "The Pledge." A copy of The Pledge is on file in the City Recorder's Office. After some discussion, the Council expressed some reservations regarding the document and decided the City should not endorse it. However, the Council had no objection to the Mayor endorsing the document. City Manager Bill Monahan added The Pledge could be discussed at the upcoming meeting with the school district.

10. EXECUTIVE SESSION - No Executive Session was held

11. ADJOURNMENT: 9:07 p.m.

Attest:


Greer A. Gaston, Deputy City Recorder


Mayor, City of Tigard
Date: October 8, 2002

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